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NOV 29 2018

U.S. DISTRICT COURT  
EASTERN DISTRICT OF MO  
ST. LOUIS IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

U.S. DISTRICT COURT  
EASTERN DISTRICT OF MO  
ST. LOUIS

CAROL A. WHITLEY,

) Common Law Case No.: RE730492886US

Aggrieved Party, Prosecutor,

) Civil Action No.: 4:18-cv-01724

v.

Paul D. Borja, a man; and  
James K. Ciroli, a man; and  
Vernon D. Singer, a man; and  
Cynthia Wooerthon, a woman; and  
Kip Bilierback, a man; and  
Lauren L. Mann, a woman; and  
Steven D. Hennelly, a man; and  
Phillip Gebhardt, a man; and  
FLAGSTAR BANK, F.S.B.; and  
MILLSAP AND SINGER, P.C.; and  
PROVIDENCE CAPITAL ONE, LLC; and  
Does 1-99,

Wrongdoers.

) Special Cause

) Notice to Officers of the Court: Upon penalty for  
'Trespass upon the Case': this is a common law  
suit in a 'Court of Record': 1) the above case  
number must be the primary case number recorded  
upon all documents in this case; and all referenced  
cases hereafter; and pressed upon the record;  
regardless of any other numbers used by the Clerk of  
Court; or other; for internal department  
management; or other purposes; 2) the style in  
which this Claim is made may not be altered in any  
way and; at no time does 'Aggrieved Party' consent  
to be restyled as a 'Aggrieved Party'; or other; or to  
have this 'Claim' be restyled as a 'Complaint';

ANSWER AND REBUTTAL TO WRONGDOER'S "DEFENDANT  
MILLSAP & SINGER, P.C. AND INDIVIDUALLY NAMED  
DEFENDANTS, VERNON SINGER, CYNTHIA WOOLVERTON, KIP  
BILDERBACK, LAUREN MANN, AND STEVEN HENNELLY'S MOTION  
TO DISMISS PLAINTIFF'S PETITION FOR FRAUDULENT JOINDER  
AND FAILURE TO STATE A CLAIM"

INTRODUCTON AND BACKGROUND

COMES NOW Carol Ann Whitley, *Sui Juris, Ex Aequo Et Bono*, and tenders this Answer and Rebuttal to "DEFENDANT MILLSAP & SINGER, P.C. AND INDIVIDUALLY NAMED DEFENDANTS, VERNON SINGER, CYNTHIA WOOLVERTON, KIP BILDERBACK, LAUREN MANN, AND STEVEN HENNELLY'S MOTION TO DISMISS AGGRIEVED PARTY'S PETITION FOR FRAUDULENT JOINDER AND FAILURE TO STATE A CLAIM" and responds and answers as follows:

## STATEMENT OF THE CASE

On October 30, 2018 Charles S. Pullium, III #46807, hereinafter "Attorney" made a claim against Aggrieved Party and stated in part that "[...]failure to state a claim upon which relief can be granted and for fraudulent joinder". Attorney has no standing in Equity and is trying to reassert administrative or contract law to thwart Aggrieved Party from exercising her rights of equity of redemption under FRCP Rule 60(b)(4) in concert with Rules of Civil Procedure 74.06(b)(2)(4)(5). Aggrieved Party has substantial equity that shall not be abandoned or waived; See TRUE BILL herein attached and made a part herein by reference. It is the belief of the Aggrieved Party that Attorney is wasting the courts time and if Attorney is having issues or problems understanding the terms and other legal theories and concepts at law relied upon by Aggrieved Party in her pleadings, however inartfully pled, then that is an issue of competency, as such a reliance on the terms and other legal theories and concepts at law that negates Attorney's Motion. Aggrieved Party would remind Attorney that his first duty is to the Court, not MILLSAP AND SINGER, P.C.

**Volume 7, Section 4 - Attorney & client:** The attorney's first duty is to the courts and the public, not to the client, and wherever the duties to his client conflict with those he owes as an officer of the court in the administration of justice, the former must yield to the latter. **7 C.J.S. Section 4. Nature and Duties of Office.** An attorney is an officer of the court with an obligation to the courts and the public as well as to his clients, and his duty is to facilitate the administration of justice. An attorney does not hold an office or public trust, in the constitutional or statutory sense of that term, and strictly speaking, he is not an officer of the state or of a governmental subdivision thereof. Rather, as held in many decisions, he is an officer of the court, before which he has been admitted to practice. An attorney is not the court or one of its ministerial officers, or a law enforcement officer. He is, however, in a sense an officer of the state, with an obligation to the courts and to the public no less significant than his obligation to his clients. Thus, an attorney occupies a "dual position" which imposes "dual obligations".

**JUDICIAL NOTICE UNDER RSMo 490.080  
IN CONCERT WITH FRCP RULE 201(b)(1)(2)(c)(2)**

Attorney's first duty is to the courts and the public, not to the client, and wherever the duties his client conflict with those he owes as an officer of the court in the administration of justice, the former must yield to the latter. In 1950 the 81st Congress investigated the Lawyers Guild and determined that the B.A.R. Association is founded and ran by communists under definition.

We (the public) now know why on the 9th December in 1945 the International Organization Immunities Act relinquished every public office of the United States to the United Nations. In 8 U.S.C. §1481 stated that once an oath of office is taken citizenship is relinquished, thus any state employee becomes a foreign entity, agency, or state. That means every public office is a foreign state, including all political subdivisions. (i.e., every single court is considered a separate foreign entity.) Under Foreign Relations and Intercourse Title 22 Ch. 11 identifies all public officials as foreign agents. Fed. R. Civ. P. Rule 4(j) states that the Court jurisdiction and immunity fall under a foreign State; and any state agency that operates "For Profit" is not *de jure* but *defacto* and void of immunity thus operating like any other publicly trading corporation as declared by the U.S. supreme Court - *Clearfield Trust v. U.S.*, 318 US 363 - 1943.

Therefore, Aggrieved Party requests that this court order Attorney and Vernon D. Singer, Cynthia Wooerton, Kip Bilierback, Lauren L. Mann, Steven D. Hennelly, and Phillip Gebhardt to produce for the record their Foreign Registration Statement(s) (Exemptions if any, pursuant to 22 U.S.C. §613); Anti-Bribery Statement(s); Record of Commissions, Oath and Acceptance(s); Fidelity or Performance Bond(s) and/or its equivalent (blanket bonds will not be accepted); IRS Form W-9: Request for Taxpayer(s) Identification Number(s) and Certification(s); Valid/Current certification(s) of 4 (four) hours of ethics training (or equivalent via completion of a continuing legal education class or other continuing professional education class, seminar, or presentation if the required subjects are covered); and provide information and documents that show the fair market value of Docket No. # 4: 18-cv-01724 and St. Louis County Circuit Case No.18SL-AC-13560-01.

## **NATIONAL CURRENCY ACT**

The NATIONAL CURRENCY ACT is being tendered to this cause as evidence hereinafter Exhibit “NCA”. The purpose for induction into evidence is, it is an Act of Congress and the Court is required under RSMo 490.080 in concert with Fed. R. Civ. P. 201(b)(1)(2)(c)(2) to take Judicial Notice as *FLAGSTAR BANK, FSB v CAROLA A WHITLEY et al*, IN THE CIRCUIT COURT OF ST LOUIS COUNTY MISSOURI, ASSOCIATE CIRCUIT DIVISION, DIVISION 44 Docket No. #18SL-AC-13560, is considered a CRIS Registry Account currently trading in;

**NAME OF FUND:** Transamerica Global Real Estates Secs 12 Fund,

**SYMBOL:** TRISX,

**CUSIP:** 45775L705,

**INCEPTION DATE:** 11/01/2007

**NET ASSETS:** \$698,910,000.00,

**PORTFOLIO ASSETS:** \$698,910,000.00

and Aggrieved Party holds a beneficial interest in the dividends derived from and associated with the CRIS Account; and a public proceeding and since Wrongdoers brought forth an alleged claim into the public and in the interest of the public and its interest then is required to show for the record their bonds and undertaking prescribed under and in compliance with the NATIONAL CURRENCY ACT.

### **LACK OF RATIFICATION AND COMENCMENT (FRCP Rule 17(a))**

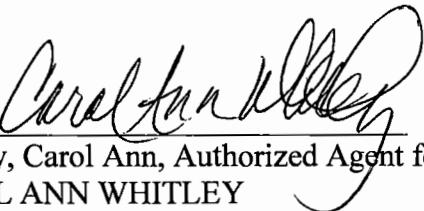
The judgment is void, further on the grounds that Attorney is not registered as required see the above Judicial Notice ¶ 2, and therefore lacks standing to bring suit or enter pleadings, further lacking the proper ratification of commencement as there has been no claim properly brought forward by a competent attorney.

### **CONCLUSION**

Aggrieved Party moves this Court that Attorney's MOTION TO DISMISS PLAINTIFF'S PETITION FOR FRAUDULENT JOINDER AND FAILURE TO STATE A CLAIM be dismissed with prejudice due to lack of ratification and commencement, lack of standing of Attorney, no registration of Attorney as prescribed by law, and that Aggrieved Party's claim be granted for quiet title.

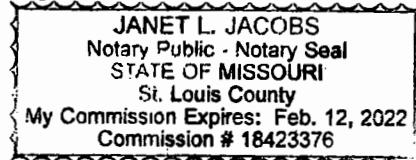
## JURAT

**SWORN TO** and subscribed on and **IN WITNESS WHEREOF** this 29<sup>th</sup> day of November 2018.

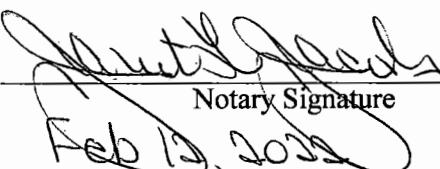
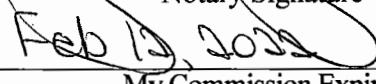
By:   
Whitley, Carol Ann, Authorized Agent for  
CAROL ANN WHITLEY

Saint Louis county      )  
                              ) sworn and subscribed:  
Missouri                  )

**SUBSCRIBED AND SWORN** to (or affirmed) before me on this 29th day of November, 2018, by Carol Ann Whitley, proved to me on the basis of satisfactory evidence to be the woman who appeared before me.



(seal)

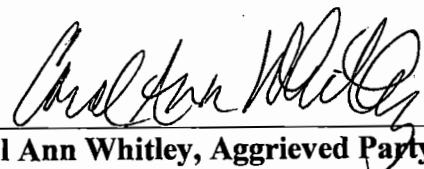
  
\_\_\_\_\_  
Notary Signature  
  
\_\_\_\_\_  
My Commission Expires

## **CERTIFICATE OF SERVICE**

I, Carol Ann Whitley hereby certify that on the 29th day of November, 2018, I caused a copy of the aforesaid ANSWER AND REBUTTAL, to be served upon counsel for PROVIDENCE CAPITAL ONE, LLC and MILLSAP & SINGER, PC by depositing the same in the United States mail, postage prepaid, addressed as follows:

**Charles S. Pullium, III #46807**  
**612 Spirit Drive**  
**St. Louis, Missouri 63005**  
**Telephone: (636) 537-0110**  
**Faximile: (636) 537-0067**  
**Email: cpulJium@msfirm.com**

**PHILLIP K. GEBHARDT #29569**  
**1720 North Main Street**  
**P.O. Box 340**  
**De Soto, Missouri 63020**

By:   
**Carol Ann Whitley, Aggrieved Party**  
c/o 1121 Bopp Road  
St. Louis, Missouri [63131]  
Telephone: (314) 249-8276